

State of Utah
Administrative Rule Analysis
Revised December 2019

| NOTICE OF PROPOSED RULE | | |
|--|-------------------|-------------------------------------|
| TYPE OF RULE: New ____; Amendment __X__; Repeal ____; Repeal and Reenact ____ | | |
| Title No. - Rule No. - Section No. | | |
| Utah Admin. Code Ref (R no.): | R307-405-2 | Filing No. (Office Use Only) |
| Changed to Admin. Code Ref. (R no.): | R | |

Agency Information

| | | |
|--|-------------------------------------|----------------------|
| 1. Department: | Department of Environmental Quality | |
| Agency: | Division of Air Quality | |
| Room no.: | | |
| Building: | Multi Agency State Office Building | |
| Street address: | 195 N 1950 W | |
| City, state: | Salt Lake City, UT 84116 | |
| Mailing address: | PO BOX 144820 | |
| City, state, zip: | Salt Lake City, UT 84116-4820 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Liam Thrailkill | 801-536-4419 | lthrailkill@utah.gov |
| | | |
| | | |
| Please address questions regarding information on this notice to the agency. | | |

General Information

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| 2. Rule or section catchline: |
| Permits: Major Sources in Attainment or Unclassified Areas (PSD); Applicability. |
| 3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?): |
| The purpose of the amendment to R307-405-2 is to remove the specific line within the rule that incorporates the CFR and instead have the incorporation fall under another rule to streamline the rulemaking process. |
| 4. Summary of the new rule or change: |
| R307-405-2(1) is removed to instead have the CFR version incorporation fall under another rule to streamline the rulemaking process. |
| A public hearing is set for Monday, May 4 th , 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, May 1 st , 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, May 1 st , after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule. |
| https://deq.utah.gov/public-notice-archive/air-quality-rule-plan-changes-open-public-comment |

Fiscal Information

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| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This rule change will have no additional costs or benefits affecting the state budget as it simply moves the CFR incorporation by reference language from R307-405-2 to R307-101-3. |
| B) Local governments: |
| This rule change will have no additional costs or benefits affecting local governments as it simply moves the CFR incorporation by reference language from R307-405-2 to R307-101-3. |

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change will have no additional costs or benefits affecting small businesses as it simply moves the CFR incorporation by reference language from R307-405-2 to R307-101-3.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule change will have no additional costs or benefits affecting non-small businesses as it simply moves the CFR incorporation by reference language from R307-405-2 to R307-101-3.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule change will have no additional costs or benefits affecting persons other than small businesses, non-small businesses, state, or local government entities as it simply moves the CFR incorporation by reference language from R307-405-2 to R307-101-3.

F) Compliance costs for affected persons:

There are no new compliance costs as a result of this amendment.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

| Regulatory Impact Table | | | |
|------------------------------|------------|------------|------------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |

H) Department head approval of regulatory impact analysis:

Scott Baird, Executive Director for the Department of Environmental Quality, has reviewed and accepts this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The amendment to R307-405-2 simply moves the CFR incorporation by reference to R307-101-3 which will result in no fiscal impact on businesses.

B) Name and title of department head commenting on the fiscal impacts:

Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|----------------|--|--|
| 19-2-104(1)(a) | | |
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Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

| | First Incorporation |
|--|------------------------------------|
| Official Title of Materials Incorporated (from title page) | Code of Federal Regulations |
| Publisher | The Office of the Federal Register |
| Date Issued | 07/01/2019 |
| Issue, or version | Title 40 |

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

| | Second Incorporation |
|--|----------------------|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued | |
| Issue, or version | |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

| | | |
|---|--------------------------|---|
| A) Comments will be accepted until (mm/dd/yyyy): | | 05/04/2020 |
| B) A public hearing (optional) will be held: | | |
| On (mm/dd/yyyy): | At (hh:mm AM/PM): | At (place): |
| 05/04/2020 | 09:00 AM | Multi Agency State Office Building Fourth Floor, Division of Air Quality 195 N 1950 W Salt Lake City, UT 84116 |
| | | |
| | | |
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10. This rule change MAY become effective on (mm/dd/yyyy): 06/03/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

| | | | |
|--|-------------------------------|---------------------------|------------|
| Agency head or designee, and title: | Bryce Bird, Division Director | Date (mm/dd/yyyy): | 02/10/2020 |
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R51. Agriculture and Food, Administration.

R51-3. Government Records Access and Management Act.

R51-3-1. Purpose and Authority.

Under authority of the Government Records Access and Management Act, Section 63G-2-204, and Section 63A-12-104. This rule provides procedures for access and denial of access to government records.

R51-3-2. Duties of Divisions within the Department.

Each Division Director shall comply with Section 63-A-12-103 and shall appoint a records officer to perform, or to assist in performing the following functions:

- A. The duties set forth in Section 63A-12-103; and
- B. Review and respond to requests for access to division records.

R51-3-3. Requests for Access.

A. All requests for access to records shall be in writing. Requests shall be directed to the attention of the records officer of the particular division which the requester believes generated or possesses the records.

B. The division is not required to respond to requests submitted to the wrong person or location within the time limits set by the Government Records Access and Management Act.

C. A fee will be charged for copies of records provided. Amounts charged for photocopying will be as authorized in Section 4-1-6 and Subsection 63G-2-203. Fees must be paid at the time of the request or before the records are provided to the requester.

R51-3-4. Requests to Amend a Record.

An individual may contest the accuracy or completeness of a document pertaining to that individual pursuant to Section 63G-2-603. The request shall be made in writing to the records officer of the particular division.

Adjudicative proceedings under the GRAMA Act shall be informal and will be carried out in accordance with Section 63G-2-401 et seq., with the exception of appeals.

R51-3-5. Appeals of Requests to Amend a Record.

Appeals of requests to amend a record shall be handled as informal hearings under the Utah Administrative Procedures Act.

R51-3-6. Forms.

Request forms are available from the records officer of each division.

Date of Enactment or Last Substantive Amendment: 1992

Notice of Continuation: February 29, 2016

Authorizing, and Implemented or Interpreted Law: 63G-2-204